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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,169	12/14/2000	Anirudha Phatak	31641-8001US1	2311
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PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			CHENCINSKI, SIEGFRIED E	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,169

Applicant(s)

PHATAK, ANIRUDHA

Examiner

Siegfried E. Chencinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. MINOR INFORMALITIES

a) *Specification*

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention:
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.

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- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Applicant's disclosure lacks items (b) – Cross Reference to Related Applications, which Applicant claims for an earlier priority date, and (f) – Brief Summary of the Invention. Also, section (e) (2) also lacks a summary of the need perceived by applicant to motivate this invention at the end of this section.

It appears that the first two paragraphs of the Detailed Description section (page 5, line 6 – page 6, line 24, could be the core of the text of a Brief Summary of the Invention section.

Correction is required.

b) *Claims*

Claim 3: A conflict exists between a singular context and the plural word "suppliers". It should either be "from a supplier" or "from suppliers".

Correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claim 22 is rejected** because the claimed invention is directed to non-statutory subject matter. A human being is a resource is directed at non-statutory subject matter. The statute requires direction to product claims. Please see MPEP 2105, last paragraph.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 13 & 15-19 are rejected** under 35 U.S.C. 102(b) as being anticipated by Stipanovich (US Patent 5,659,731).

Re. Claim 13, Stipanovich discloses a method in a computer system for evaluating a resource, the resource having attributes, each attribute having a resource value, the method comprising:

- identifying target values for each attribute (Col. 7, l. 52 – Col. 8, l. 13);
- for each attribute, generating an attribute match rating indicating how well the corresponding resource value matches the corresponding target value (Col. 8, l. 63 – Col. 10, l. 42); and
- combining the generated attribute match ratings to generate an overall match rating for the offered resource (Col. 8, l. 63 – Col. 10, l. 42).

Re. Claim 15, Stipanovich discloses a method of claim 13 wherein the resource is offered at a reverse auction (Col. 1, ll. 19-40; Col. 2, ll. 61-62; col. 3, ll. 9-14).

Re. Claim 16, Stipanovich discloses the method a method of claim 13 wherein the attributes include skills of a person (Col. 8, l. 63 – Col. 10, l. 42 (e.g. Col. 10, l. 23)).

Re. Claim 17, Stipanovich discloses the method of claim 13 wherein the attributes include rate of a person (Col. 12, ll. 40-46; Fig. 9).

Re. Claim 18, Stipanovich discloses the method of claim 13 wherein the attributes include availability of a person (Col. 9, ll. 1-11. Stepanovich's method is a reservation

date method which establishes a date up to which a candidate will be available for evaluation by a prospective employer).

Re. Claim 19, Stipanovich discloses the method of claim 13 wherein the attributes include reservation of a person (Col. 9, ll. 5-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustafson (US Patent 5,659,731) in view of Carlton-Foss (6,647,373).

Re. Claim 1, Gustafson discloses a method in a computer system for selection of a resource, the method comprising:

- providing a resource requirement indicating target attributes of a target resource (Col. 3, ll. 37 – 50; Gustafson's resource requirements are the list of data needing to be confirmed through matching, such as address, and a credit score derived from a list of criteria and a formula);
- for each offered candidate resource, generating a match rating between the candidate attributes of the candidate resource and the target attributes of the target resource (Title, Abstract. A candidate resource can be a good, a service or information, including a service performed by humans in any capacity); and
- selecting a candidate resource based on the generated match ratings (Title, Abstract).

Gustafson does not explicitly disclose receiving a plurality of offers to provide a candidate resource, each candidate resource having candidate attributes. However, Carlton-Foss discloses receiving a plurality of offers to provide a candidate resource, each candidate resource having candidate attributes (Col. 1, l. 55; Col. 2, ll. 32, 55; Col.

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13, I. 8. Carlton-Foss discloses offers for goods and services between buyers and sellers conveyed electronically, including in an electronic matching system.). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Gustafson with that of Carlton-Foss in order to expand Gustafson's matching method with Carlton-Foss's method of offers of goods and services in order to provide an expanded computer operated automatic method of matching resource requirements with offered resources.

Re. Claim 2, Gustafson discloses the method of claim 1 including receiving the resource requirement from a consumer of the resource (Abstract, I.1. The user is the requestor who will consume the resource, which is information, as is the case with Applicant's claimed invention).

Re. Claim 3, Gustafson does not explicitly disclose the method of claim 1 wherein the offers are received from a suppliers of candidate resources. However, Carlton-Foss discloses a method wherein the offers are received from suppliers of candidate resources (Col. 1, II. 54-56). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Gustafson and Carlton-Foss in order to expand Gustafson's matching method with Carlton-Foss's method of offers of goods and services in order to provide an expanded computer operated automatic method of matching resource requirements with offered resources.

Re. Claim 5, Gustafson does not explicitly disclose the method of claim 1 wherein the computer system is a server connected to the Internet. However, Carlton-Foss discloses a method wherein the computer system is a server connected to the Internet (Col. 7, lines 6-17). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Gustafson and Carlton-Foss in order to expand Gustafson's matching method with Carlton-Foss's explicit disclosure of the use of server computers in order to provide an expanded computer operated automatic method of matching resource requirements with offered resources.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gustafson in view of Carlton-Foss and further in view of Stipanovich.

Re. Claim 4, Gustafson does not explicitly disclose the method of claim 1 wherein the resources are people and the attributes include skills of the person and hourly rate. However, Stipanovich discloses a method wherein the resources are people and the attributes include skills of the person and hourly rate (Person Skills – Col. 8, l. 63 – Col. 10, l. 42 (e.g. Col. 10, l. 23); Hourly Rate - Col. 12, ll. 40-46; Fig. 9). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Gustafson and Carlton-Foss with that of Stipanovich in order to provide automatic matching and exchange of resource requirement data regarding hourly skilled workers with offered resources.

4. Claims 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlton-Foss in view of Stipanovich and McGovern et al. (US Patent 5,978,768).

Re. Claim 6, Carlton-Foss discloses a method and system in a computer system for conducting a reverse auction for services of people (Col. 2, ll. 61-62), the method comprising:

- receiving a plurality of offers (Fig. 5);
- selecting an offered person based on the match ratings (Col. 1, ll. 28-36; Col. 6, l. 66 – Col. 7, l. 4. The Examiner's personal recruiting and job application experience during the 1883 – 2001 period as both an employer and employee indicates that personal meetings and related personal negotiations of semi-finalists and finalists is the predominant practice in job candidate selections by employers and agencies, especially for positions above the clerk or factory floor level).

Carlton-Foss does not explicitly disclose

- receiving an indication of requirements of a person from a consumer of services;
- advertising the indicated requirements;
- receiving a plurality of offers to provide a person;
- generating a match rating for each offered person indication how well that person meets the requirements.

However, Stipanovich discloses

- receiving an indication of requirements of a person from a consumer of services (Fig. 4; Col. 7, ll. 41-43);
- receiving a plurality of offers to provide a person (Col. 8, l. 20 – Col. 10, l. 42. The workers registered with the agency are multiple offerers to the agency. It would have been obvious to the ordinary practitioner at the time of Applicant's invention to have applied Stepanovich's disclosure of a system made for an agency's use to a method and system made for the employer's recruiting and screening of employment applicants.)
- generating a match rating for each offered person indication how well that person meets the requirements (Col. 9, ll. 12-19). It is obvious to use the matching method used by the agency in a matching system used by the employer.

McGovern et al. disclose advertising the indicated requirements (Col. 2, l. 65 – Col. 3, l. 5. There is a great amount of interplay between employers, employment agencies and job seekers. Agencies often bid on jobs which an employer only advertised to the general public. Some employers will give a job requirement to one or more agencies while also advertising the position, and others will only give the job requirement to a selection of agencies. An increasing percentage of employers have been posting their job requirements on their own web sites during the 1990's while concurrently engaging in any combination of the above recruiting activities. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Carlton-Foss with that of Stepanovich and McGovern in order to provide a more efficient automated, computer driven system for matching employer worker resource requirements and worker job needs through a reverse auction system.

Re. Claim 7, Carlton-Foss and McGovern do not explicitly disclose the method of claim 6 including selecting multiple offered persons based on the match ratings. However, Stipanovich discloses a method of selecting multiple persons based on the match ratings (Col. 9, ll. 12-19). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Carlton-Foss and

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McGovern with that of Stepanovich to improve the efficiency of an employer's candidate screening process.

Re. Claim 8, Carlton-Foss and McGovern do not explicitly disclose the method of claim 6 wherein the requirements includes skills. However, Stepanovich discloses a method wherein the requirements includes skills (Col. 8, l. 63 – Col. 10, l. 42 (e.g. Col. 10, l. 23)). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Carlton-Foss and McGovern with that of Stepanovich to improve the efficiency of an employer's candidate screening process.

Re. Claim 9, Carlton-Foss and McGovern do not explicitly disclose the method of claim 6 wherein the requirements include start date. However, Stepanovich discloses a method wherein the requirements include start date (Col. 9, ll. 5-10). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Carlton-Foss and McGovern with that of Stepanovich to improve the efficiency of an employer's candidate screening process.

Re. Claim 10, Carlton-Foss and McGovern do not explicitly disclose the method of claim 6 wherein the requirements includes reservation date. However, Stepanovich discloses candidate screening software which includes a candidate's availability or match time window for a position which has a fixed start date (Col. 9, ll. 5-15).

Stepanovich's method is a reservation date method which establishes a date up to which a candidate will be available for evaluation by a prospective employer). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Carlton-Foss and McGovern with that of Stepanovich to improve the efficiency of an employer's candidate screening process by adopting Stepanovich's reservation date method.

Re. Claim 11, Carlton-Foss and McGovern do not explicitly disclose the method of claim 6 wherein the requirement includes pricing information. However, Stepanovich discloses a method wherein the requirement includes pricing information (Col. 8, ll. 9-10). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Carlton-Foss and McGovern with that

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of Stepanovich to improve the efficiency of an employer's candidate screening process by adopting Stepanovich's reservation date method.

Re. Claim 12, Carlton-Foss and McGovern do not explicitly disclose the method of claim 6 wherein the generating of the match rating includes identifying how closely a person matches each requirement. However, Stepanovich discloses a method wherein the generating of the match rating includes identifying how closely a person matches each requirement (Col. 8, l. 66 – Col. 10, l. 42). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Carlton-Foss and McGovern with that of Stepanovich to improve the efficiency of an employer's candidate screening process by adopting Stepanovich's reservation date method.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stipanovich in view of Carlton-Foss.

Re. Claim 14, Stipanovich does not explicitly disclose the method of claim 13 wherein the combining of the generated attribute match ratings includes applying a weight factor to each attribute match rating. However, Carlton-Foss discloses a method wherein the combining of the generated attribute match ratings includes applying a weight factor to each attribute match rating (Col. 11, ll. 21-23). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Stepanovich with that of Carlton-Foss to improve the efficiency of an employer's candidate screening process by adopting Carlton-Foss' method of employing weight factors to each attribute matching element in order to improve the quality of the matching process.

6. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlton-Foss in view of McGovern and Stipanovich.

Re. Claim 20, Carlton-Foss discloses a computer system for coordinating the providing of resources, comprising:

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- an auction component that receives resource requirements, that receives a description of a resource, that places a bid to provide the resource, and that selects those resources that most closely match the received resource requirements (Auction - Col. 2, ll. 61-62; Col. 3, ll. 9-13. Receives requirements – Col. 3, l. 20-23; Col. 5, ll. 63-65. Receives a bid – Col. 3, ll. 16, 26. Selection of closest matches – Col. 1, ll. 23-29; Col. 6, l. 66 – Col. 7, l. 4); an interview component that coordinates the interviewing of the selected resource by the provider of the resource requirements (Col. 1, ll. 30-32);
- a selection component that coordinates the selection of an interviewed resource (Col. 6, ll. 56-60; Col. 1, ll. 30-36); and

Carlton-Foss does not explicitly disclose

- that advertises the received resource requirements;
- which includes an accounting component that coordinates the submitting of bills provided by the selected resource.

McGovern discloses a method that advertises the received resource requirements (Col. 2, l. 65 – Col. 3, l. 5.). Stipanovich discloses an accounting component that coordinates the submitting of bills provided by the selected resource (Col. 12, l. 62 – Col. 13, l. 21).

It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Carlton-Foss with that of McGovern and Stipanovich in order to provide a more efficient automated, computer driven system for matching resource requirements and bidders' desire to provide resources for **Re. Claim 21**, Carlton-Foss discloses a computer system of claim 20 wherein the computer system is a web server (Fig. 2).

Re. Claim 22, Carlton-Foss and McGovern do not explicitly disclose the computer system of claim 20 wherein the resources are people. However, Stipanovich discloses a computer system wherein the resources are people (Col. 2, ll. 3-8). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Carlton-Foss and McGovern with that of Stipanovich to improve the efficiency of an employer's personnel recruiting process by adopting Stipanovich's

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electronic computer automated worker hiring system for improved hiring efficiency and lower cost operation.

Re. Claim 23, Carlton-Foss discloses a computer system of claim 20 wherein the auction component rates how closely a resource matches the resource requirements (Col. 10, l. 57 – Col. 13, ll. 14).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 703-305-6199. The Examiner can normally be reached Monday through Friday, 9am to 6pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on 703- 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington D.C. 20231

or faxed to:


(703)872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-9601 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2411 Crystal Drive, Arlington, VA, 7th floor receptionist.

SEC

March 22, 2004


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SUPERVISORY PATENT EXAMINER
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